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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/077,012
Filing Date: February 15, 2002
Appellant(s): BATRA ET AL.

Scott D. Paul
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 12, 2008 appealing from the Office action mailed December 12, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020126701

Requena

9-2002

Lee, Kang-Jun. "Development of an XML Data Provider Supporting the OpenGIS Specification", IEEE, July 2004, pp. 1936-1938.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Requena (US PG PUB No: US 20020126701A1) in view of Kang-Jun Lee et al ("Development of an XML Data Provider Supporting the OpenGIS Specification), hereafter referred to as Requena and Lee, respectively.

1. With regards to claims 1 and 5, Requena teaches through Lee, a method of processing requests from location-based service applications for location-based services provided by a plurality of disparate location-based service providers, different ones of said plurality of disparate location-based service providers specifying different formats for receiving said requests, comprising the steps of the location service: receiving requests for location based-services (*The user requests a specific location-based service which is received by the HSS or the Presence server; see paragraph 209 and Figure 9, Requena*); determining from each said request a particular location-based service provider which can service said request (*After receipt by the HSS/Presence server, the CSCF determines available location-based services; see paragraphs 209 and 213, Requena*); specifically formatting each said request according to a specific format specified, by said particular location-based service provider (*Requests are to be of a specified format; see paragraph 107, Requena*); uniformly formatting each result set produced from corresponding ones of said requests (*The CSCF sends the result back in a specified format; see paragraph 215, Requena*); and, to forwarding said uniformly formatted

result sets to the location-based service applications (*The results are of a specified format; see paragraph 215, Requena*).

While Requena's design teaches location-based services and standardized formats for messages, it does not explicitly teach a uniform format for the requests and results. In the same field of endeavor, Lee teaches a location-based system (GML requests) that standardizes messages to a uniform language (XML) (*see second paragraph of the introduction and section II, sub-section B, Lee*). Within section II, sub-section B of Lee's disclosure, Lee teaches, "encoding rules from geographical data to XML," and XML encoding of geographical data. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Requena with those of Lee, to provide users with interoperability for various geographical data in the form of XML documents (*see conclusion, Lee*).

2. With regards to claims 2 and 6, Requena teaches through Lee, the method wherein said uniformly formatted result sets are result sets which have been formatted according to the Geography Markup Language (GML) (*Requena's design allows for GML; see paragraph 120, Requena. And Lee's design allows for GML; see section II, sub-section B, Lee*).
3. With regards to claim 3, Requena teaches through Lee, a common location-based service adapter interface, comprising: a uniform input interface through which location-based services can be requested using a uniform format which is independent of any specific formatting required by a particular service adapter

configured to process said location-based services; and, a uniform output interface through which specifically formatted result sets can be formatted using said uniform format, wherein said uniform input interface adapted to be connected to different service adapters specifying different formats for receiving requests (*Lee teaches in section III, sub-section A, the XML data provider. The XML data provider interface converts input and output into a uniform XML format*).

4. With regards to claim 4, Requena teaches through Lee, the common location-based service adapter interface wherein said uniform input interface comprises: a plurality of location-based service adapter objects, each said adapter object being configured to provide said at least one location-based service responsive to receiving a uniformly formatted location-based service request; a location service object configured to provide a reference to a particular one of said location-based service adapter objects based upon a specified location-based service; and, a plurality of location request objects configured to define location-based service request parameters required by generic ones of said location-based service adapter objects (*Lee teaches in section III, sub-sections A and B, the XML data provider. The XML data provider converts input and output into a uniform XML format through the use of objects*).
5. The obviousness motivation applied to claims 1 and 5 are applicable to their respective dependent claims.

(10) Response to Argument

The first point of contention addressed by the applicant, within the appeal brief, concerns the claim 1 limitation of:

"...determining from each said request a particular location-based service provider which can service said request"

The applicant contends that neither prior art teach this claim limitation, the examiner disagrees. For this claim limitation, paragraphs 209 and 213 of the Requena art were cited. Along with the citation was provided the following brief explanation:

After receipt by the HSS/Presence server, the CSCF determines available location based services; see paragraphs 209 and 213, Requena.

Within these cited sections, Requena teaches a system wherein presence service is provided based on spatial location information. For instance, Requena provides the example of a user wanting to know about what services are available in his surroundings (see paragraph 209, Requena). The user requests a specific service with his mobile terminal (paragraph 209, Requena). After the user sends his request, the CSCF checks the information of the user for location information and obtains service information from the Location Based Services server (paragraph 213, Requena). The user then receives a response with the requested service adapted to his physical situation (paragraph 209, Requena). Hence, a user requests a service based on his location and a determination is made (based on the user's location and service request) and sent to the user informing him of the best service available based on his location. This is deemed equivalent to the applicant's claimed limitation.

The applicant's second point of contention involves the preamble of claim 1. The applicant suggests that the examiner has not properly rejected the language:

"...different ones of said plurality of disparate location-based service providers specifying different formats for receiving said requests"

The examiner would like to point out that if such language were was vital to the claimed invention, the applicant had the option to insert it within the body of the claim, as opposed to the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The third and final point of contention addressed by the applicant concerns the following limitations of claim 1:

"specifically formatting each said request according to a specific format specified by said particular location-based service provider; uniformly formatting each result set produced from corresponding ones of said request; and, forwarding said uniformly formatted result sets to the location-based service applications"

The applicant contends that neither prior art teach the above claim limitations, the examiner disagrees. Requena teaches that requests are to be of a specified format (see paragraph 107, Requena). In addition, the CSCF sends the results back in a specified format (see paragraph 215, Requena). While Requena's design teaches

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location-based services and formats for messages, Requena does not explicitly teach a uniform format for the results produced from corresponding requests.

This is why the Lee prior art was introduced. Lee also teaches a location-based system (GML requests) that standardizes messages to a uniform language (the uniform language being XML) (*see second paragraph of the introduction and section II, sub-section B, Lee*). Within section II, sub-section B of Lee's disclosure, Lee teaches, "encoding rules from geographical data to XML," and XML encoding of geographical data. Converting the geographical data to XML allows the geographical data to be presented in a more standardized/uniform way (*see 2nd paragraph of the Introduction, Lee*). Hence, Lee teaches how geographical data is uniformly formatted into XML. Thus for these reasons, it is believed that the prior arts, in combination, do teach the claimed limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Azizul Choudhury/

Examiner, Art Unit 2145

Conferees:

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145

/Rupal D. Dharia/

Supervisory Patent Examiner, Art Unit 2141